

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAINON JONES,

Defendant.

CASE NO. 4:17-cr-00524

ORDER
[Resolving Doc. [68](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Dainon Jones moves for the return of property seized incident to his arrest.¹ Jones says that the Government seized \$1,900, a 2007 Mercedes, two laptops, and two cell phones. Jones says that these items were not forfeited in the judgement against him and need to be returned. The Government responds that it has no objection to returning the property.² The Government says that it has \$1,193, three cell phones, miscellaneous paperwork, two computers, and a notebook that it will return to whomever Jones designates.³

The parties' only dispute is the 2007 Mercedes. The Government says that it cannot return the car because the car has been repossessed and retitled to the lending company.⁴ According to the Government, Jones "still owed approximately \$7,000 on the Mercedes at the time of his arrest."⁵

¹ Doc. [68](#).

² Doc. [73](#).

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.*

Case No. 4:17-cr-00524

Gwin, J.

Jones says that he has been prejudiced by the Government's negligence in not returning his property sooner.⁶ He says "[h]ad the government ordered the release of the property or notif[ied] Defendant of a third party demanding his vehicle" he could have contacted the loan company and worked out an agreement through which he could have kept the 2007 Mercedes.⁷

Jones implies that the Government had a duty to notify him of his car's impending repossession. However, Jones points to no law that gives the Government such a duty. Furthermore, Jones does not explain how the Government's possession of his car prevented him from continuing to make payments on the vehicle or from contacting the loan company when he stopped making payments.

Furthermore, Jones does not state what relief he would be entitled to even if the Government did have and failed to satisfy such a duty. All Jones seeks is a declaration that the Government "prejudiced" his interest in the car.⁸

For the foregoing reasons, the Court **GRANTS IN PART** Jones's motion for the return of his property and orders the Government to return the property identified in the Government's response, excluding the car, to the individual Jones designated, Abu Alraqqasaad.

IT IS SO ORDERED.

Dated: May 8, 2020

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁶ Doc. 77 at 3.

⁷ *Id.*

⁸ *Id.* at 3.